

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/451,592	MANGIPUDI ET AL.	
	Examiner	Art Unit	
	Thu Ha T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 10/11/05.
2.  The allowed claim(s) is/are 1-6, and 8-23.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER

## EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
  
2. Authorization for this examiner's amendment was given in a telephone interview with Joseph P. Quinn (Reg. 45,029) on December 20, 2005.

3. The application has been amended as follows:

In the claims

Claim 1:

1. (Currently Amended) A method for evaluating compliance with a service-level agreement, said method comprising the steps of:  
providing at least one back-end server connected to a network;  
defining service level classes of service as a function of agreed-to service level metrics;  
grouping at least one of host system, user, URL, hosted site, transaction, content and file type into respective service level classes of service;  
defining said service level metrics to be measured for each of said classes;  
defining acceptance levels for each class for each of said service level metrics;  
collecting information related to measurement of said service level metrics; and  
comparing said acceptance levels to said information;  
deploying an intelligent agent on each of said back end servers;  
monitoring service level metrics using said intelligent agent and logging them into respective log files;

collecting log files from said intelligent agents on a list of said back-end servers;  
and

consolidating said log files collected from said list of back end servers in a  
database.

Claim 6:

6. (Currently Amended) An apparatus for evaluating real-time compliance with a service-level agreement comprising:

at least one back-end server;  
a network connecting said at least one back-end server;  
a collection processor measuring and periodically collecting a set of defined service level metrics for said at least one back-end server;  
a set of acceptance levels for said collected service level metrics wherein said set of acceptance levels define a service level class of service for at least one of host system, URL, hosted site, transaction, content, file type and user;

a monitoring processor determining which of said collected service level metrics exceed a corresponding acceptance level; and

a reporting process that produces a report on a per-class basis of the results of said monitoring processor;

an intelligent agent deployed on each of said back-end servers monitoring said service level metrics and logging them into respective log files;

a scheduler triggering said reporter to begin collection of log files from a list of back-end servers;

an accumulator requesting log files from the intelligent agent of each listed back-end server and consolidating the log files into a database; and

an interface mechanism between said accumulator and each intelligent agent,  
said interface mechanism ensuring that each requested log file is completely transferred  
to the accumulator prior to starting consolidation.

Claim 8:

8. (Currently Amended) The apparatus of claim 7 6 wherein each of said intelligent agents further keeps track of which portions of said log files have been transferred.

Claim 9:

9. (Currently Amended) A method for implementing management of a service level agreement monitoring system for a set of back-end servers in a web farm comprising the steps of:

providing at least one back-end server connected to a network;

defining a hierarchy of service level classes of service as a function of agreed-to service level metrics;

defining acceptance levels of said agreed to service level metrics for said service level classes;

selecting at least one class of service level metrics to be monitored;

creating a database of monitored service level metrics; and

preparing reports and/or alarms according to said selected class(s) of service level metrics;

deploying an intelligent agent on each of said back end servers;

monitoring service level metrics using said intelligent agent and logging them into respective log files;

collecting log files from said intelligent agents on a list of said back-end servers;  
and

consolidating said log files collected from said list of back end servers in said database.

### **Allowable Subject Matter**

4. Claims 1-6, and 8-23 are allowed.

5. Claim 7 is cancelled.

6. The following is an examiner's statement of reasons for allowance: The cited prior arts fail to disclose or suggest evaluating real-time compliance with a service-level agreement for defining service level classes of service as a function of agreed-to service level metrics; grouping at least one of host system, user, URL, hosted site, transaction, content and file type into respective service level classes of service; collecting information related to measurement of said service level metrics; determining which of said collected service level metrics exceed a corresponding acceptance level; preparing reports and/or alarms according to said selected class(s) of service level metrics; deploying an intelligent agent on each of said back end servers; monitoring service level metrics using said intelligent agent and logging them into respective log files; determining which of said collected service level metrics exceed a corresponding acceptance level; collecting log files from said intelligent agents on a list of said back-end servers; and consolidating said log files collected from said list of back end servers in a database, in conjunction with all other limitations in the claims

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ThuHa Nguyen

December 20, 2005



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER